

Decision 02-11-066 November 21, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Castle and King Rock and Ready Mix Inc.,

Complainant,

vs.

Pacific Bell (U 1001 C) and AT&T,

Defendant.

Case 92-10-013
(Filed October 10, 1992)

ORDER CLOSING THIS PROCEEDING

This matter was initiated a number of years ago. No activity has directly occurred in this docket for several years.

On October 1, 2002 an Administrative Law Judge's Ruling was sent to the parties asking for the following information:

1. Is there a need for this proceeding to remain open?
2. If there is a need for it to remain open, please indicate what actions would be required to bring this proceeding to a conclusion.

The ruling informed the parties that absent a demonstration of a need for the proceeding to remain open, an order would be prepared for Commission consideration to close the proceeding.

On October 7, 2002, a response was received from the complainant stating, "we no longer wish to pursue this matter. Therefore we request that this proceeding be closed." On October 10, 2002, a response was received from

defendant AT&T indicating its belief that there was no need for this proceeding to remain open. Therefore, it is appropriate to close this proceeding.

Comments on Draft Decision

This is now an uncontested matter in which the decision grants the relief currently requested by the complainant. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Geoffrey Brown is the Assigned Commissioner and Philip Weismehl is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. This matter has been inactive for some time and the applicant no longer wishes to pursue it.
2. No other party objects to its dismissal.

Conclusion of Law

This matter should be dismissed.

IT IS THEREFORE ORDERED that Case 92-10-013 is dismissed and the docket closed.

This order is effective today.

Dated November 21, 2002, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

CARL W. WOOD

MICHAEL R. PEEVEY

Commissioners

Commissioner Geoffrey Brown, being necessarily absent, did not participate.